

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BASSEY B. NDEMENOH,

Plaintiff,

-against-

CITY UNIVERSITY OF NEW YORK,
TANNI BAIDYA, VINCENT
BOUDREAU, JUANA REINA,
ANTHONY LAPERUTA, RONDELL
GOPPY, WILLIAM THOMPSON, JR.,
GEORGE RHINEHART, WENDY
THORNTON, DONICE MOREAU,
RAMON PORTILLO, GUILLERMO
SUAREZ, ALBERT TROTTER,
LOURON HALL, PAUL
OCHIOGROSSO, PASQUALE
MORENA, FELIX RODRIGUEZ,
WILLIAM BARRY, DEE MOZELESKI,
CITY OF NEW YORK, MICHAEL
LEDERHANDLER and ALEXANDRA
COVELESKI,

Defendants.

**DECLARATION OF
ANDREA OSGOOD IN
SUPPORT OF
DEFENDANT CITY OF
NEW YORK'S MOTION
TO DISMISS PURSUANT
TO FED. R. CIV. P.
12(B)(6)**

20 Civ. 4492 (RA)

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ANDREA OSGOOD, an attorney duly admitted to practice in the Courts of New York,
declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following
statements are true:

1. I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant City of New York. As such, I am familiar with the facts and circumstances stated herein and submit this declaration to place the relevant documents on the record in support of defendant City of New York's motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit “A” is a copy of New York State Executive Order No. 202.8, issued March 20, 2020, stating that tolls of statutes of limitations were in accordance with directives from the State Courts to “limit court operations to essential matters,” and making no mention of federal filings.

3. Annexed hereto as Exhibit “B” is a copy of Administrative Order AO/78/20, issued by the Honorable Lawrence K. Marks on March 22, 2020, stating that “no papers shall be accepted by a county clerk or a court in any matter of the type not included on the list of essential matters[.]”

4. Annexed hereto as Exhibit “C” is a copy of the Memorandum to the Southern District of New York Bar, dated March 20, 2020, setting forth general rules for proceedings due to the COVID-19 Pandemic and stating that electronically filed cases will “continue to be processed and assigned to judges.”

5. Annexed hereto as Exhibit “D” is a copy of the Standing Order re: Suspension of Local Rule 6, dated March 27, 2020, stating that the Clerk of Court will draw the name of the assigned judge upon filing of an Indictment or Information and communicate this assignment to the parties and Magistrate Judge.

6. Annexed hereto as Exhibit “E” is a copy of the Standing Order re: Suspension of Jury Trials as a result of COVID-19, dated April 20, 2020, stating that jury trials are to be suspended until further order of the court due to COVID-19 safety regulations.

Dated: New York, New York
March 10, 2022

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New York
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By: /s/ Andrea Osgood
Andrea Osgood
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY ECF**
Samuel Christopher DePaola, Esq
Sim & DePaola, LLP
Attorney for plaintiff